

# EXHIBIT X

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**IN RE: ORAL PHENYLEPHRINE MARKETING  
AND SALES PRACTICES LITIGATION**

23-md-3089-BMC

**DECLARATION OF MELANIE H. MUHLSTOCK FOR APPOINTMENT**

1. I am the Managing Partner of the Mass Torts Department at Parker Waichman LLP. I submit this Declaration in support of my application for appointment to the Plaintiffs' Steering Committee ("PSC") in *In Re: Oral Phenylephrine Marketing and Sales Practices Litigation* (MDL No. 3089).<sup>1</sup> I have extensive experience in major mass tort pharmaceutical, medical device and consumer products liability and class action litigation, and have been involved in numerous, multidistrict and coordinated state court litigations for more than twenty-five (25) years.<sup>2</sup> In addition, I reside, and am admitted to practice, in the Eastern District of New York.

2. My practice focuses on Mass Torts, complex litigation, and class actions. I began my legal career at two international defense firms working on complex litigation involving silicone breast implants, tobacco, orthopedic implants, and pharmaceuticals. For the last eighteen (18) years, I have solely focused my practice on the representation of plaintiffs in complex personal injury and class action litigation involving pharmaceuticals, medical devices, and other consumer products. I have also facilitated the resolution of thousands of claims through trial and settlements.

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<sup>1</sup> Parker Waichman is counsel of record in *Robyn Cronin v. Johnson & Johnson Consumer Inc., et al.* (E.D.N.Y. Case No. 2:23-cv-06870) (filed in this District on September 15, 2023 and transferred to this MDL on December 7, 2023) and *Chioma Ozuzu v. Kenvue Inc, et al.* (E.D.N.Y. Case No. 1:23-cv-07394) (filed in this District on October 3, 2023 and transferred to this MDL on December 11, 2023).

<sup>2</sup>I graduated from the University of Wisconsin at Madison with a Bachelor of Arts degree in 1994, followed by a Juris Doctorate from Loyola University – Chicago School of Law in 1997. I have been a member of the Bar of the State of New Jersey since 1997 and the Bar of the State of New York since 1998. I am also admitted to practice in all of the United States District Courts in New York and New Jersey and the United States Supreme Court.

In doing so, I had the privilege of working with Honorable Special Masters such as Gary Russo, Kenneth DeJean, Daniel Stack, and Glenn Norton and talented mediators like Randi S. Ellis, who can attest to my skill, dedication, and professionalism.

3. Most recently, I was appointed to the PSC in *In Re: Hair Relaxer Marketing Sales Practice and Products Liability Litigation* (MDL No. 3060), the Plaintiffs' Executive Committee in *In Re: Elmiron (Pentosan Polysulfate Sodium) Products Liability Litigation* (MDL No. 2973) and as Lead/Liaison Counsel in *In Re: Tassigna Products Liability Litigation* (Superior Court of New Jersey MCL No. 6345). I was also appointed to serve as Co-Chair of the Leadership Development Committees in both *In Re: Zantac (Ranitidine) Products Liability Litigation* (MDL No. 2924) and *In Re: Hair Relaxer Marketing Sales Practice and Products Liability Litigation* (MDL No. 3060).

4. In *In Re: Bayer Corp. Combination Aspirin Products Marketing and Sales Practices Litigation* (MDL No. 2023), which involved some of my fellow applicants, I served as Allocation Counsel on behalf of Bayer Aspirin with Heart Advantage consumers in connection with the settlement of that class action, which was pending in this Court and presided over by Your Honor.

5. I also often serve on discovery and expert sub-committees for PSCs nationwide. Notably, I was appointed as Chair of the Non-Party Discovery Committee in *In Re: Actos (Pioglitazone) Products Liability Litigation* (MDL No. 2299) and Co-Chair of the Non-Party Discovery Sub-Committee in *In Re: Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liability Litigation* (MDL No. 2100).

6. Parker Waichman, which has its largest office in Nassau County, in the Eastern District of New York, not only has significant class action experience<sup>3</sup>, but is also has vast experience including that regarding the discovery and issues related to electronically stored information (“ESI”), especially the negotiation of extensive ESI protocols in complex litigation.

7. Parker Waichman has traditionally self-funded its practice for over three decades and has the necessary resources to pursue this matter. The firm maintains a substantial line of credit to be used as needed, but has no intention, and has never, financed its projects through vendors or third-party financiers.

8. I am ready, willing, and able to focus a significant portion of my time on this case and have the full support of my firm to do so. My proven track record demonstrates that I can work well with the other fine attorneys applying for appointments to this PSC, having worked with many of them for over two decades. In fact, I, and others at Parker Waichman, have already been working and collaborating with other plaintiffs’ counsel in anticipation of the formation of this proceeding.

9. I welcome the opportunity to lend my 25+ years of experience, and that of my firm, to this MDL. My organizational skills are unsurpassed and my ability to coordinate and collaborate with large teams of attorneys make me precisely the type of lawyer who should occupy a position on a leadership committee. I am confident that I will be an asset to this PSC if I am given the opportunity. Thank you for your time and consideration of my application for appointment.

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<sup>3</sup> Attorneys at Parker Waichman have served on the PSCs of numerous class actions, including, but not limited to, *In Re: Bayer Corp. Combination Aspirin Products Marketing and Sales Practices Litigation* (MDL No. 2023); *In Re: Kaba Simplex Locks Marketing and Sales Practices Litigation* (MDL No. 2220); *In Re: Ford Navistar Diesel Engine Products Liability* (MDL No. 2223); *In Re: Dial Complete Marketing and Sales Practices Litigation* (MDL No. 2263); and *In Re: Colgate-Palmolive Softsoap Antibacterial Soap Hand Soap Marketing and Sales Practices Litigation* (MDL No. 2320).

Executed on December 29, 2023

/s/Melanie H. Muhlstock  
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